Great Britain. Parliament.

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THE REASONABLENESS OF *Parliamentary Proceedings*, BY ATTAINDERS, BANISHMENTS, PAINS and PENALTIES, in Cases of HIGH TREASON,

Shewn by Various Precedents.

From the Reign of Edward II. *to the Present Time.*

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THE REASONABLENESS OF *Parliamentary Proceedings*, BY ATTAINDERS, BANISHMENTS, PAINS and PENALTIES, in Cases of HIGH TREASON, &c.

Baniſhment of Hugh Diſpenſer *the Father, and* Hugh *the Son, by Parliament.*

At a Parliament holden 15*th* July, 14. Ed. 2. 1320. *the confederated Barons having aſſembled a great Body of Troops, came to* Weſtminſter, *and compell'd the King to paſs the following Act or Award for the Baniſhment of the two* Diſpenſers, *viz.*

TO the honour of God and Holy Church, and of our Lord the King, for the Profit of him and his Realm, and to maintain Peace among his People and the Eſtate of the Crown, The Prelates, Earls, Barons, and other Peers of the Land, and Commons of the Realm, do ſhew againſt Sir *Hugh le Diſpenſer*, Father and Son: That whereas Sir *Hugh*, the Son, at the Parliament at *York* was nam'd, and it was there agreed he ſhould be Chamberlain to the King: In which Parliament it was agreed, that certain Prelates and other great Men ſhould be with the King by turns at ſeveral Seaſons of the Year, the better to adviſe him, without whom no great Buſineſs ought to paſs: The ſaid Sir *Hugh* the Son, drawing to him his Father, who was not by Order of Parliament to be near the King, or to be one of thoſe Counſellors, between them both have uſurp'd Royal Power over the King and his Miniſters and the 14 Ed. 2. 1320.

Government of the Kingdom, to the Diſhonour of the King, the Injury of the Crown, and Deſtruction of the Kingdom, Great Men and People, and have done the Wickedneſſes underwritten, in contriving to turn the Heart of the King from the Peers of the Land, that they may have the ſole Government thereof.

I. That Sir *Hugh* the Son made a Bill, or Writing, whereby he would have had Sir *John Gifford* of *Brimmesfield*, Sir *Richard de Greye* and others, entred into a Confederacy to have forc'd the King to do what he would have him, and had almoſt done it.

II. That Sir *Hugh* the Son hath maintain'd and aſſerted that Homage and the Oath of Allegiance is more by reaſon of the Crown than of the Perſon of the King, and bound him more to the Crown than the Perſon, and this appear'd, for that before the Crown deſcends, there is no Allegiance due to the Perſon expectant. Wherefore in caſe the King carries not himſelf by Reaſon in Right of the Crown, his Lieges are bound by Oath made to the Crown to remove the King and the State of the Crown by Reaſon, and otherwiſe the Oath ought not to be kept. Then it was demanded, whether the King was to be dealt with by Suit of Law, or by Rigour; (*Par Suit de Loy ou par Aſpertée*:) By Suit of Law it could not be, for he had no Judge, in which Caſe if the King's Will be not according to Reaſon, and that he maintains nothing but Error, therefore to ſave their Oath, and when the King will not redreſs what is injurious to the People, they muſt proceed with Rigour, for he is bound by Oath to govern his Lieges, and his Lieges are bound to govern in aid of him and in default of him.

III. Alſo

III. Alſo upon the Application of the Great Men and People unto him, his Anſwer was according to the pleaſure of theſe two, in turning the King from his Duty againſt his Oath, and the Hearts of the great Men and People againſt their Liege Lord.

IV. Alſo by their evil Contrivance they will not ſuffer the Great Men of the Realm, nor good Counſellors, to ſpeak with or come near the King to adviſe him, nor the King to ſpeak to them, unleſs in their Preſence and Hearing, or of one of them; and when they pleaſe they uſurping Royal Power and Sovereignty over the Perſon of the King, to the great diſhonour and Peril of him, the Crown, and the Kingdom.

V. Alſo to attain to their Wickedneſs, Covetouſneſs, and diſinheriting the Great Men, and deſtruction of the People, they put out good and agreeable Miniſters plac'd by Aſſent, and put in others falſe and wicked of their Party, who will not ſuffer Right to be done, as Sheriffs, Eſcheators, Conſtables of Caſtles, and make Juſtices not underſtanding the Law, as Sir *Hugh* the Father, Sir *Ralph Baſſet*, Sir *Ralph Camois*, and Sir *John Inge*, and others their Friends, who caus'd to be indicted by falſe Jurors of their Alliance, the Peers of the Land, as the Earl of *Hereford*, Mounſieur *Gifford of Brimmesfield*, and Mounſieur *Robert de Monſhall*, and other good People, to get their Lands.

VI. Alſo they falſly and maliciouſly advis'd the King to raiſe Arms againſt his People in *Glouceſterſhire*, contrary to the great Charter, and the Award of the Peers of the Land, and by their falſe and evil Counſel would have made War in the Land, for their own proper Quarrel,

to the Deſtruction of Holy Church and the People.

The Six remaining Articles conſiſt of ſeveral private Acts of Injuſtice and Oppreſſion ſaid to be committed by the ſaid Diſpenſers, *after the Recital of which the Act concludes.*

Which Wickedneſſes are notorious and true, as it is found by the Examination of the Earls, Barons, and other Peers of the Land. Wherefore we Peers of the Land, Earls and Barons, in the preſence of our Lord the King, do award that *Hugh le Diſpenſer* the Son, and *Hugh le Diſpenſer* the Father, ſhall be diſherited for ever, as Diſheritors of the Crown, and Enemies to the King and his People, and to be baniſh'd the Kingdom of *England*, never to return again, unleſs it be by the Aſſent of the King, and by the Aſſent of the Prelates, Earls and Barons in Parliament duly ſummon'd, to avoid the Realm between that time and the Feaſt of the Decollation of St. *John Baptiſt*, or 29th of *Auguſt* next coming, and if found in *England* after that Day, or if they returned after that Day, then to be done unto as to the Enemies of the King and Kingdom.

Re-

Repeal of the Act for the Baniſhment of Hugh Diſpenſer *the Father, and* Hugh *the Son.*

At a Parliament holden the 15*th of* Ed. 2. 1322. *the ſaid Act or Award for the Baniſhment of the* Diſpenſers, *Father and Son, was repeal'd for the following Errors,* viz. 15 Ed. 2. 1322.

FOR that the ſaid Award was made without calling them to anſwer, and without the Aſſent of the Prelates which are Peers of the Realm in Parliament, and againſt the great Charter of the Franchiſes of *England*, which ſays, no Freeman ſhall be baniſh'd or otherways deſtroy'd, but by lawful Judgment of his Peers, or the Law of the Land, and for that they were not call'd in Court to make Anſwer; and for theſe Errors, and for that the Cauſes in the ſaid Award were not duly prov'd; and alſo that the ſaid Award was obtain'd by force of Arms: *The Act concludes*, We are bound by the Oath we made at our Coronation, and oblig'd to do Right to all our Subjects, and to redreſs and cauſe to be amended all Wrongs done to them, when we are required, according to the great Charter, by which we are not to ſell or delay Right and Juſtice to any one, and at the preſſing Advice and Requeſt of the Prelates given us for the Safety of our Soul, and to avoid Danger, and to remove an ill

ill Example for the time to come of ſuch Undertakings and Judgments in the like Caſe againſt Reaſon. Wherefore we ſeeing and knowing the ſaid Proceſs and Award made in the Manner aforeſaid, to be as well to the Prejudice of Us, the Blemiſhment (or Hurt) of our Crown and Royal Dignity, againſt Us and our Heirs, as againſt the ſaid *Hugh* and *Hugh*, and for other reaſonable Cauſes of our Royal Power, in a full Parliament at *York*, by the Advice and Aſſent of the Prelates, Earls, Barons, Knights of Counties, the Commons of the Realm and others being at our Parliament at *York*, do wholly null and defeat the ſaid Award of the Exile and Diſheritance of the ſaid *Hugh* and *Hugh*, and all things in the Award, and do fully remit and reconcile the ſaid *Hugh* the Son and *Hugh* the Father to our Faith and Peace, and to the Eſtate they had, and were in, before the making of the Award in all Points. And we Award that they have again Seiſin of their Lands and Tenements, Goods and Chattels, &c. And we will and command, that where this Award is enroll'd in any Places of our Court, it be cancell'd and annull'd for ever. *And the Roll was cancell'd and croſs'd, and remains ſo at this Day with this Memorandum written under the Award*, viz.

Theſe things above written are null'd and cancell'd, by force of an Award made in the Parliament at *York*, held three Weeks after *Eaſter*, in the 15th Year of the Reign of our Lord, as 'tis contain'd in a Roll ſow'd to, and hanging at this Roll in the Month of *May*.

A Repeal of the aboveſaid Act of 15 Ed. 2.

AT a Parliament holden by the Queen and *Mortimer*, after they had depoſed King *Edward* II. and uſurped the Regal Power, the aboveſaid Act for reverſing the Baniſhment of the *Diſpenſers*, Father and Son, was repealed. 1 *Ed.* 3. 1326.

A Repeal of the laſt mentioned Act of 1 Ed. 3.

AT a Parliament holden 21 *Ri.* 2. *Thomas le Diſpenſer* exhibited a Petition to the King, reciting the Petitions of *Hugh Diſpenſer* the Father, and *Hugh* the Son, to King *Edward* II. in Parliament, for reverſing the aboveſaid Act for their Baniſhment. In which Parliament the Exile and Diſheriſon of both were annulled for theſe Reaſons. *Firſt*, They were not appealed or called to Anſwer, nor due Proceſs made againſt them according to Law. *Secondly*, Becauſe the Prelates who were Peers of the Realm (*& que les Prelatz que eſtoient Piers du Royalm*) did not conſent to the ſaid Award of Exile and Diſheriſon, (*a dit agard de Diſheriſon & Exile ne aſſenteront point.*) *Thirdly*, Becauſe it was againſt *Magna Charta*, that any Man ſhould be exiled or tryed, or otherways deſtroyed, without Judgment of his Peers. This Adnullation was afterwards made void in 1 *Ed.* 3. They pray that Statute may be made void, and it was made void, and 21 *Ri.* 2. 1398.

and all the Articles and Things contained in it, for the Reaſons aboveſaid.

Et ſur ces le Roy fiſt Examiner diligement les Prelatz, Ducs, Barons & Comunes Summonez a ſon Parliament, what they thought—whether the Statute of *Ed.* 3. was defeazable. Who upon good Deliberation ſaid it was for the Cauſes before expreſſed, alſo conſidering that the Repeal made by King *Edward* III. was at ſuch time as his Father *Edward* II. was living, being very King, and in Priſon, that he could not reſiſt the ſame.

Attainder of Roger Mortimer.

Theſe are the Treaſons, Felonies and Miſchiefs done to our Lord the King, and his People, by Roger Mortimer, *and others of his Company.*

4 *Ed.* 3. 1330. I. WHereas in the Parliament holden at *Weſtminſter* next after the King's Coronation, it was ordained that four Biſhops, four Earls, and ſix Barons, ſhould remain with the King to adviſe, and that always four ſhould be with him, one Biſhop, one Earl, and two Barons at leaſt, and that no great Buſineſs ſhould be done without their Aſſent: After which Parliament the ſaid *Roger*, not having regard to the ſaid Aſſent, uſurped Royal Power, and the Government of the Realm above the State of the King, and put out and placed Officers in the King's Houſe, and otherwhere throughout the Kingdom at his Pleaſure, ſuch as were of his Party, and ſet *John Wyward* and others about the King, to obſerve his Actions and Words, ſo as

as he was encompaſſed by his Enemies, that he could do nothing as he would but only as a Man under Guard or Reſtraint.

II. Alſo, whereas the King's Father was at *Kenelworth*, by Order and Aſſent of the Peers of the Land to ſtay there for his Eaſe, and to be ſerved as ſuch a Lord ought to be, the ſaid *Roger* by his uſurped Power which he exerciſed over him at his Pleaſure, ordered he ſhould be ſent to *Berkely* Caſtle, where by him and his Confederates he was traiterouſly, felonioufly, and falſly murdered and killed.

III. Alſo the ſaid *Roger*, by his uſurped Royal Power, forbad by the King's Writ under the Great Seal, that none ſhould come to the Parliament at *Salisbury* with Force and Arms, under Pain of forfeiting whatever they could to the King; yet thither he came with others of his Party with Force and Arms to the Parliament, contrary to the Prohibition. Wherefore many Peers of the Land, as the Earl of *Lancaſter* and others, knowing the Manner of his coming, would not be there. And whereas the Prelates were aſſembled in one Houſe to conſult about the Buſineſs of the King and Realm, the ſaid *Roger* broke the Doors of the Houſe with armed Men upon the Prelates, and threatned them of Life and Member, if any of them ſhould be ſo hardy to ſpeak or do any thing contrary to his Pleaſure in any Point: And in the ſame Parliament, by the ſaid Power, he cauſed the King to make him Earl of *March*, and to give him and his Heirs many Lands in Diſheriſon of the Crown; and afterwards the ſaid *Roger* and thoſe of his Party led the King armed upon the Earl of *Lancaſter* and other Peers of the Land, as far as *Wincheſter*, where they were coming to the Parliament at *Salisbury*, where the

Earl and other Peers to avoid the Evils that might have happened, out of Regard to the King, departed and went towards their own Countries, grieving that they might not ſpeak with, or adviſe their Leige Lord as they ought.

IV. Alſo, That the ſaid *Roger* by his uſurped Power, cauſed the King to march forcibly againſt the Earl and others, Peers of the Land, which were appointed to be with the King, to adviſe him, and ſo proſecuted them with force, that the ſaid Earl and ſome others of his Company that wiſhed Good to the Kingdom, ſubmitted to the King's Grace, ſaving to them Life and Member, and that they might not be diſherited nor have too great a Fine ſet upon them; yet he cauſed them to be fined ſo grievouſly as half their Lands if ſold right out would only pay it, and the others he cauſed to be driven out of the Nation, and their Lands to be ſeized, againſt the Form of the great Charter, and Law of the Land.

V. Alſo, whereas the ſaid *Roger* knew well the King's Father was dead and buried, he by others of his Party in deceivable Manner informed the Earl of *Kent* that he was alive: Wherefore the Earl being deſirous to know whether it was ſo or not, uſed all the good Ways he could to diſcover the Truth, and ſo long as the ſaid *Roger* by his uſurped Royal Power cauſed him to be apprehended in Parliament holden at *Winchester*, and ſo purſued him as in that Parliament he procured his Death.

There were nine Articles of leſs Importance exhibted againſt the ſaid *Roger*, ſuch as the procuring exhorbitant Grants from the Crown, private Oppreſſions, *&c.* but thoſe above recited are the moſt

moſt material, and the Act concludes as follows.

The Earls, Barons and Peers having examined the Articles, came into Parliament before the King, and they all delivered their Opinion by one of their Peers, that all things contained in the Articles were notorious, and known to themſelves and the People: Wherefore they as Judges in Parliament, by Aſſent of the King, did Award and Judge the ſaid *Roger*, as Traitor and Enemy to the King and Kingdom, to be drawn and hanged, and commanded the Earl Marſhal to execute the Judgment, and to the Mayor, Aldermen and Sheriffs of *London*, the Conſtable of the *Tower*, and thoſe who had the Guard of him, to be aiding to the Earl Marſhal at the Execution, which was done on *Thurſday* next after the firſt Day of the Parliament, being the 29th Day of *November*.

N. B. *He was not brought to anſwer, but condemned without hearing, and for that Reaſon this Judgment was reverſed as erroneous, and made void by Act of Parliament, and his Grandchild* Roger *reſtored to his Title and Eſtate.* Rot. Parl. 28 Ed. 3. Nº 8, 9, 10, 11, 12.

Attainders of Simon de Beresford, *and* John Mantravers, *as Aiders and Abettors to* Roger Mortimer *in the Murder of the King*, &c.

IN the ſame Parliament the King charged the Earls, Barons and Peers to give right and true Judgment againſt *Simon de Beresford*, Knight, who had been aiding and adviſing to *Roger Mortimer* 4 Ed. 3. 1330.

timer in all the Treaſons, Felonies and Wickedneſſes for which he was adjudged to Death, as it was notorious and known to the ſaid Peers, who came before the King in Parliament, and ſaid all with one Voice (*& diſirent touz come d'une Voice*) that the ſaid *Simon* was not their Peer, wherefore they were not bound to judge him as a Peer of the Land; but for that it was a thing notorious and known to all that he was aiding and adviſing to the ſaid *Roger* in all the Felonies, Treaſons, and Villanies aboveſaid, which were in Uſurpation of Royal Power, Murder of the Leige Lord (*Murdre de Seigneur Lige*) and Deſtruction of Royal Blood, and that he was guilty of divers other Felonies and Robberies, and principal Maintainer of Robbers and Felons, they as Peers and Judges of Parliament, by Aſſent of the King, do award and adjudge him, as Traitor and Enemy to the King and Realm, to be drawn and hanged; and the Earl-Marſhal had Command to do Execution, which was done on the *Monday* next after the Feaſt of St. *Thomas* the Apoſtle.

Alſo all the Peers, Earls and Barons in this Parliament agreed, that *John Montravers* was guilty of the Death of *Edmund* Earl of *Kent*, the King's Uncle, as he that chiefly, traiterouſly and falſly compaſſed it. And whereas he knew King *Edward* was dead, he cunningly and by his falſe and wicked Subtleties made the Earl think and believe King *Edward* was alive, the which falſe Contrivance was the cauſe of all the enſuing Evils. Wherefore as Peers and Judges of Parliament, they award the ſaid *John* to be drawn, hanged, and beheaded as a Traitor, when he ſhould be found, and prayed the King to iſſue his Proclamation, that any one who could take him

him alive and bring him to the King, ſhould have a thouſand Marks, and if he could not be taken alive, he that ſhould bring his Head ſhould have 500*l.* of the King's Gift.

The Attainder of Jack Cade.

WHereas the falſe Traytor *John Cade*, naming himſelf *John Mortimer*, late named Captain of *Kent*, the 8th Day of *July*, the 28th Year of the Reign of our ſaid Sovereign Lord the King, at *Southwark*, in the County of *Surrey*, and the ninth Day of *July* the aforeſaid Year of the Reign of our ſaid Sovereign Lord the King, at *Deptford* and *Rocheſter*, in the County of *Kent*, alſo at the Town of *Rocheſter* aforeſaid, and elſewhere, the 10th and 11th Days of *July* then next enſuing, within the Realm of *England*, falſly and traiterouſly imagined the King's Death, Deſtruction, and Subverſion of this Realm, in gathering and levying a great Number of the King's People, and them exciting to make Inſurrection againſt the King falſly and traiterouſly in the Places aforeſaid, at the time before recited, againſt the King's Royal Crown and his Dignity, and there and then made and levyed War falſly and traiterouſly againſt the King's Highneſs; and tho' he be dead and miſcheived, yet by the Law of the Land not puniſhed, our ſaid Sovereign Lord the King conſidering the Premiſſes, to put ſuch Traytors in fear in time-coming, and for ſaving of himſelf and his Realm, by Advice of the Lords Spiritual and Temporal in the ſaid Parliament aſſembled, and at the Requeſt of his Commons, hath ordained by the Authority of the ſaid Parliament, that he ſhall be of theſe Treaſons attainted, and ſhall forfeit, *&c.* 29 *H.* 6. 1450.

The

The Attainder of Elizabeth Barton, *and others, who under colour of Sanctity and falſe Miracles traiterouſly intended to deſtroy the King.*

25 *Hen.* 8. 1533. THE Lords and Commons moſt humbly beſeech the King's Highneſs, that for the Declaration of his moſt pure and ſincere Conſcience in the Divorce between his Majeſty and the Right Excellent Princeſs the Lady *Katherine*, and for Puniſhment of thoſe who maliciouſly malign'd the ſame, and have traiterouſly attempted to diſturb the Peace of this Realm, It may be Enacted,

That whereas our ſaid Sovereign Lord, like a good and virtuous Prince, being afflicted and ſore incumber'd in his Conſcience with the ſaid Marriage, *&c.* from which he hath now obtain'd a lawful Divorce and Separation, and is ſince married to his moſt dear and entirely beloved Wife Queen *Anne*, and by her hath had Iſſue: Yet nevertheleſs divers and ſundry of his wilful and diſobedient Subjects being maliciouſly fixt in an Opinion of the Illegality of the ſaid Divorce, and ſubſequent Marriage, contrary to the Opinion and pure Judgment of the King's own Conſcience, and the Determination of the Foreign Univerſities, did by falſe feign'd Hipocriſy, diſſembled Sanctity and cloak'd Holineſs, ſet forth that by Revelation of God and Holy Saints, God was diſpleas'd with his Majeſty for his Proceedings in the ſaid Divorce; and had revealed to *Elizabeth Barton*, an Holy Woman, that in caſe his Highneſs proceeded to the

the Accompliſhment of the ſaid Divorce, and marry'd another, he ſhould not be King for one Month after, and in the Reputation of God ſhould not be King one Day nor one Hour, but ſhould die a Villain's Death; with many other falſe Tales, traiterouſly practis'd and devis'd againſt his ſaid Majeſty, *&c.*

In Conſideration whereof, and foraſmuch as the ſaid falſe, feign'd, and diſſembled Hipocriſy, cloak'd Sanctity, Revelations, and feign'd Miracles of the ſaid *Elizabeth Barton*, is plainly confeſs'd by the ſaid *Elizabeth*, and the reſt of the Conſpirators hereafter named: Be it Enacted, That the ſaid *Elizabeth Barton*, *Richard Maiſter*, *Edward Bocking*, *John Dering*, *Hugh Rich*, *Richard Risbie*, and *Henry Gold*, for their ſaid ſeveral Offences by them recogniz'd and confeſs'd, ſhall be convict and attainted of High Treaſon, and ſuffer ſuch Pains of Death, *&c.* as in Caſes of High Treaſon.

The Attainder of Queen Ann *of* Bullen, *the Lord* Rochford, *and others.*

THE Lords and Commons in Parliament aſſembled humbly ſhew unto his Majeſty, That whereas by an Act made in the 25th Year of his Reign, for Ratification of his Marriage with the late Lady *Anne Bullen*, Marqueſs of *Pembrook*, and for Limitation of the Succeſſion of the Crown, It was Enacted, That if any Perſon by Writing, Print, Deed or Act, procur'd or done any thing to the Prejudice, Slander, Diſturbance or Derogation of the ſaid Matrimony, or to the Slander or Diſheriſon of the Iſſue there- 28 *Hen.* 8. *cap.* 7. 1536.

thereof, that ſuch Offenders ſhould be adjudg'd High Traytors. And whereas another Act was made in the 26th Year of this Reign, for the Ratification of the ſaid laſt recited Act; and the ſaid Acts were then made upon a pure, perfect, and clear Foundation, thinking the ſame to be ſincere and good, and ſo was reputed until God of his infinite Goodneſs, from whom no Secrets can be hid, brought to Light certain, juſt, true, and lawful Impediments unknown at the making the ſaid Acts, and ſince confeſs'd by the ſaid *Anne*, by which it appears that the ſaid Marriage was utterly void, by Reaſon whereof his Majeſty was divorc'd. And whereas the ſaid *Anne*, inflam'd with Pride and carnal Deſires, confederated herſelf with *George Bullen*, late Lord *Rochford*, her natural Brother, *Henry Norreis*, Eſq; *Francis Weſton*, Knt. *William Brereton*, Eſq; Gentleman of your Privy-Chamber, and *Mark Smeton*, Groom of your ſaid Privy-Chamber, with whom ſhe moſt traiterouſly committed and perpetrated divers deteſtable and abominable Treaſons, to the Deſtruction of his Majeſty and of the Realm, if God had not brought the ſaid Treaſons to light, for which they were convicted and attainted by due Courſe of Law, and have ſuffer'd according to their Demerits. Be it Enacted, That the ſaid late Queen *Anne*, *George Bullen* late Lord *Rochford*, *Henry Norreis*, Eſq; *Francis Weſton*, Knt. *William Brereton*, Eſq; and *Mark Smeton*, by Authority of this preſent Parliament be convicted and attainted of High Treaſon, and ſuffer and forfeit as in Caſes of High Treaſon.

The Attainder of Queen Katherine Howard, *and her Accomplices.*

IN their moſt humble wiſe beſeechen your moſt Royal Majeſty the Lords Spiritual and Temporal, and all other your moſt loving and obedient Subjects the Commons of this your moſt high Court of Parliament, that Where beſides any Man's Expectation ſuch Chance has happen'd by Miſtreſs *Katherine Howard*, which your Highneſs took to your Wife, both to your Majeſty chiefly, and ſo conſequently to us all, that the like we think hath ſcarce been ſeen, the Likelihoods and Appearances being ſo far contrary to that which by evident and due Proof is now found true; *Firſt*, That it will pleaſe your Majeſty to take it in ſuch part as thereby ariſe not to us all a greater Inconvenience, which is the Trouble of your Heart and Unquietneſs of your Mind, for that ſhould be a ſhortning of that which we all ſhould repent, and moſt deſire the contrary. *Secondly*, That it would pleaſe your Majeſty to pardon all your loving Subjects, which ſince theſe Matters came to their Knowledge have deteſted and abhorred her for this Fact, both in Word, Manner and Deed, and of Words utter'd by them of her and her Adherents, not maintainable in your Laws, conſidering that they did and do it only for the great Zeal and Love that they bear to your Majeſty, and the Abomination of the deteſtable Fact. *Thirdly*, That ſince it hath pleas'd your Majeſty upon thoſe likely outward Appearances to take the ſaid Miſtreſs *Katherine Howard* to your Wife and Queen, of your

33 *Hen.* 8. *cap.* 21. 1541.

moſt excellent Goodneſs, and for a godly Purpoſe; and alſo moſt liberally to endue her with great Poſſeſſions, for the Maintenance of the ſame, thinking and taking her at that time to be chaſt, and of pure, clean, and honeſt Living, the contrary whereof is now duly prov'd both by her own Confeſſion, and others alſo; and that alſo ſhe, after the Marriage between your Majeſty and her, took moſt traiterouſly to her Service the ſame Perſon with whom ſhe us'd that vicious Life before, whoſe Name was *Francis Derham*, and us'd him in many ſecret Conferences and Meſſages after, as by his Confeſſion and Attainder doth more plainly appear; calling alſo to her Service, in room of Chamberer, a Woman which was privy to her naughty Life before, whereby ſhe hath ſhew'd a great Appearance, and in a manner a due proof of Will to return to her old and abominable Life with the foreſaid Perſon; and yet ſhe not ſatisfy'd with theſe abominable carnal Deſires, the End whereof how perillous it was and might have been to your Majeſty's Perſon were hard to expreſs, hath alſo ſince that time moſt traiterouſly confederated herſelf with the Lady *Jane Rochford*, Widow, late Wife of *George Boleine*, Knt. late Lord *Rochford*, to bring her vicious and abominable Purpoſe to paſs with *Thomas Culpeper*, Eſq; late one of the Gentlemen of your Grace's Privy-Chamber, by whoſe Means the Queen brought to paſs that the ſaid *Culpeper* and ſhe met in a ſecret vile Place, and that at an undue Hour of eleven a Clock in the Night, and ſo remain'd there with him until three of the Clock in the Morning, none being with them but that Bawd the Lady *Jane Rochford*, by whoſe means *Culpeper*

peper came thither; and there they all three, and at other Conferences together afterward, moſt falſly and traiterouſly committed and perpetrated many deteſtable and abominable Treaſons, to the moſt fearful Peril and Danger of the Deſtruction of your moſt Royal Perſon, and to the utter Loſe, Diſheriſon and Deſolation of this your Realm of *England*; if God of his infinite Goodneſs had not in due time brought the ſame Treaſons to light. Of and for which Treaſons, being manifeſtly and plainly prov'd, as well by the Confeſſion of the ſaid Queen, and other the ſaid Parties, as by divers other Witneſſes and Proofs, the ſaid *Francis Derham* and *Thomas Culpeper* have been lawfully and truly, according to the Laws of the Realm, convicted and attainted; and the ſaid Queen, and *Jane* Lady *Rochford* be lawfully indicted: Inſomuch that *Thomas Culpeper* and *Francis Derham* have juſtly ſuffered therefore Pains of Death, according to their Merits, as by the Records thereof more plainly at large may appear. It may therefore pleaſe your Highneſs of your moſt excellent and accuſtomable Goodneſs, and for the entire Love, Favour and hearty Affection, that your Majeſty hath always heretofore borne and yet beareth to the Commonwealth of this your Realm of *England*, and for the Conſervation of your moſt excellent Highneſs in Proſperity, and of the Good, Peace, Unity, and Reſt of us your moſt bounden and obedient Subjects; to grant and aſſent, at the moſt humble Deſire and Petition of your loving and obedient Subjects, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, that theſe their lawful Indictments and Attainders of ſuch as have

lately ſuffer'd may be approv'd by Authority of this preſent Parliament, and that it may be enacted, that the ſaid Queen *Katherine* and *Jane* Lady *Rochford*, for the ſaid abominable and deteſtable Treaſons, by them and every of them moſt abominably and traiterouſly committed and done againſt your Majeſty and this your Realm, ſhall be by Authority of this preſent Parliament convicted and attainted of High-Treaſons, and that the ſame Queen *Katherine* and *Jane* Lady *Rochford*, and either of them, ſhall have and ſuffer Pains of Death, Loſs of Goods, Chattels, Debts, Farms, and all other things as in Caſes of High-Treaſon.

2 & 3 *Ed.* 6. 1548. CONfirmation of the Attainder of *William Sharington*, Knt. who had been convicted in the Courts of Law, for counterfeiting the King's Coin, *&c.*

The Attainder of Sir Thomas Seimer, *Knt. Lord* Seimer *of* Sudley, *High Admiral of* England.

2 & 3 *Ed.* 6. 1548. WHereas the ſaid Sir *Thomas Seimer*, Lord *Seimer*, &c. not regarding the Duty of his Allegiance, or content with his honourable State and Condition, to which his Majeſty has rais'd him, but fill'd with the moſt dangerous and unſatiable Ambition, *&c.* did in the firſt Year of this Reign determine to ſeize his Majeſty's Perſon and the Goverument of theſe Realms; but by the moſt prudent Foreſight of his Majeſty's Uncle the Duke of *Somerſet*, Governor of his Majeſty's Perſon, and Protector of this Realm, was diſappointed, and afterwards endeavour'd

deavour'd to effect his ſaid Purpoſes by his ſubtile Perſuaſions and Inſinuations to his Majeſty, and undue Practices in Parliament, and by ſpreading ſlanderous Reports of his Majeſty, and of the ſaid Lord Protector, and his whole Council: And whereas he poſſeſs'd himſelf of ſo many Offices, and retain'd ſo many Gentlemen and Yeomen in his Service, that he declar'd he was able to raiſe 10000 Men of his own Dependants, and propos'd to pay them 10000 *l.* a Month out of his Majeſty's Mint at *Briſtol*, which he had obtain'd with all the Treaſure there, by means of Sir *William Sharington*, Knt. Vice-Treaſurer, to be at his Command; and alſo had provided and fortify'd his Majeſty's Caſtle of *Holt*, for the Entertainment of a Number of Men; and for the better accompliſhing his Purpoſe had given out that his Majeſty was dead, and labour'd ſundry Noblemen and others his Grace's Subjects to join with him, *&c.* and took upon him to promiſe to marry his Majeſty to a certain Nobleman's Daughter, and practis'd with his Majeſty to take upon him in his tender Age the Adminiſtration of the Government, to the Deſtruction of his Highneſs; and further, did conſpire to marry the Lady *Elizabeth*, the King's Siſter; and by all theſe ſiniſter Ways and Means endeavour'd to accompliſh his ambitious Ends, and declar'd his traiterous Intentions of aſpiring to the Crown of this Realm, and to be King of the ſame, and to depoſe his Majeſty; and that he had alſo aided and abetted the ſaid Sir *William Sharington* in embezilling the King's Treaſure, and counterfeiting the Coin; and had alſo maintain'd ſeveral Pyrates, and receiv'd the Goods pyratically taken to his own Uſe.

Wherefore conſidering as well that he is a Member ſo unnatural, unkind and corrupt, and

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ſuch a heinous Offender of your Majeſty and your Laws, as he cannot nor may conveniently be ſuffer'd to remain in the Body of your Grace's Common-wealth, but to the extream Danger of your Highneſs being Head and of all the good Members of the ſame; and is too pernicious and dangerous an Example, that ſuch a Perſon ſo much bound and ſo forgetful of it, ſo mercifully heretofore intreated, and by ſundry and great Benefits allur'd and call'd, and ſo cruelly and ingrately continuing in his falſe and traiterous Intents againſt your Highneſſes and the whole Eſtate of your Realm, ſhould remain amongſt Us.

Therefore be it enacted, that the ſaid Sir *Thomas Seimer*, Knt. Lord *Seimer* of *Sudley*, High Admiral of *England*, for the ſaid traiterous Offences and Deeds, ſhall be by Authority of this preſent Parliament adjudg'd and attainted of Treaſon, and ſuffer Pains of Death, *&c.*

3 & 4 E. 6. *cap.* 9. 1549. SIR *William Sharington*, Knt. reſtor'd to Blood, *&c.*

3 & 4 E. 6. *cap.* 14. 1549. *Mary Seimer*, Daughter of Sir *Thomas Seimer*, Knt. Lord *Seimer* of *Sudley*, late Admiral of *England*, reſtor'd to Blood.

A Confirmation of the Attainder of John *late Duke of* Northumberland *and others.*

1 *M. c.* 16. 1553. WHereas *John* Duke of *Northumberland*, *Thomas Cranmer* Archbiſhop of *Canterbury*, *William* Marquis of *Northampton*, *John* Earl of *Warwick*, Sir *Ambroſe Dudley*, Knt. *Guilford*

ford Dudley, Esq; and *Jane* his Wife, *Henry Dudley*, Esq; Sir *Andrew Dudley*, Knt. Sir *John Gate*, Knt. and Sir *Thomas Palmer*, Knt. have been convicted and attainted of High Treason; Be it enacted, that the said Convictions and Attainders be approv'd and confirm'd by Authority of Parliament.

AN Act for taking away the Benefit of Clergy from *Bennet Smith*, who hir'd two Assassins to murder *Giles Rufford* of *Edlesburgh* in Com. *Bucks*. 2 & 3 P. & M. cap. 17. 1554.

Attainder of Charles *Earl of* Westmorland, Thomas *Earl of* Northumberland, &c.

IN their most humble wise beseech your most Excellent Majesty the Lords Spiritual and Temporal, and all other your loving and obedient Subjects the Commons of this your most High Court of Parliament assembled, that where *Charles* Earl of *Westmorland*, *Thomas* Earl of *Northumberland*, *Anne* Countess of *Northumberland*, *Leonard Dacre*, *Edward Dacre*, Sir *John Nevill*, *John Swinborn*, *Thomas Markenfeelde*, *Egremond Ratcliff*, *Christopher Nevill*, *Richard Norton*, &c. most falsly, and traiterously by open Rebellion in the North Parts of this your Realm of *England*, have committed, perpetrated, and done many detestable and abominable Treasons against your Highness, to the great Peril and Danger of your most Royal Person, and the utter Destruction and Overthrow of the good State and publick Peace of this your said Realm of *England*, if God of his infinite Goodness had not in due Time open'd and reveal'd to your High- 13 *Eliz.* 1571.

Highneſs their traiterous Intents and Purpoſes, of and for which ſaid Treaſons, being moſt manifeſt and apparent, the ſaid Traitors and Offenders beforenam'd have been lawfully indicted, and ſome of them being fled, have been and are lawfully and by due Proceſs outlaw'd, and thereby juſtly attainted; and ſome other of them have been and are juſtly and lawfully convicted and attainted by Tryal of the Country, according to the Laws of this your Realm, as by the Records of their ſeveral Indictments and Attainders more plainly it doth and may appear, and for the which ſeveral Offences ſome of the ſaid Offenders have ſuffer'd Pains of Death, according to their Demerits.

It may therefore pleaſe your Highneſs, of your moſt gracious and accuſtom'd Goodneſs, and for the entire Love, Favour, and hearty Affection that your Majeſty hath always heretofore born and yet beareth to the Common-wealth of this your Realm of *England*, and for the good Preſervation of your moſt excellent Majeſty, and of the Good, Peace, Unity and Reſt of all us your bounden and obedient Subjects, to grant and aſſent, at the humble Deſire and Petition of your loving and obedient Subjects the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, that all and every the ſaid Convictions, Outlawries and Attainders of all and every the ſaid Offenders may be approv'd and confirm'd by the Authority of this preſent Parliament.

And that it may be further enacted by the Authority aforeſaid, that the ſaid *Charles* Earl of *Weſtmorland*, *Thomas* Earl of *Northumberland*, *Anne* Counteſs of *Northumberland*, *Leonard Dacre*, *Edward Dacre*, Sir *John Nevill*, *John Swynborn*, *Thomas Markenfeelde*, *Chriſtopher Nevill*, *Richard Norton*, and all other the ſaid Offenders

and

and Perſons before-named, and every of them, for their ſaid abominable and deteſtable Treaſons by them and every of them moſt abominably and traiterouſly committed, perpetrated, and done againſt your Highneſs and this your Realm, ſhall be by Authority of this preſent Act convicted and attainted of High Treaſon.

Confirmation of the Attainders of Thomas *Lord* Paget *and others.*

IN moſt humble wiſe beſeecheth your moſt Royal Majeſty the Lords Spiritual and Temporal, and all other your moſt loving and obedient Subjects the Commons of this your moſt High Court of Parliament aſſembled, that where *Thomas Paget* late Lord *Paget*, *Francis Engleſield*, Knt. *Charles Paget*, *Francis Throckmorton*, *William Shelley*, &c. having no fear of God before their Eyes, have moſt falſly and traiterouſly committed, perpetrated, and done many unnatural, deteſtable and abominable Treaſons, to the moſt fearful Peril and Danger of the Deſtruction of your moſt Royal Perſon, and to the utter Loſs, Diſheriſon and Deſtruction of this your Highneſs's Realm of *England*, if God of his infinite Goodneſs had not in due time reveal'd and given Knowledge to your Highneſs of their traiterous Intents; of and for the which ſaid Treaſons, being manifeſtly and plainly prov'd, the ſaid Traitors and Offenders before-nam'd have been lawfully indicted, and ſome of them have been and are lawfully and by due Proceſs outlaw'd, and thereby juſtly attainted, and ſome other by Tryal of the Country and their own Confeſſions, and Judgment thereupon given, law- 29 *Eliz.* 1586.

fully and juſtly convicted and attainted, according to the Laws of this your Realm, as by the Records of their ſeveral Attainders more plainly it doth and may appear, and for the which ſeveral Offences ſome of the ſaid Offenders have ſuffer'd Pains of Death, according to their Demerits; be it enacted that all the ſaid Convictions and Attainders be approv'd and confirm'd by Authority of Parliament.

3 *Jac.* 1. 1605. THE Attainder of ſeveral of the Conſpirators who were concern'd in the *Powder-Plot*, and were kill'd or had fled from Juſtice, and a Confirmation of the Attainders of the reſt who were convicted and attainted in the Courts of Law.

Attainder of the Earl of Strafford.

17 *Car.* 1. 1641. WHereas the Knights, Citizens and Burgeſſes of the Houſe of Commons in this preſent Parliament aſſembled, have in the Name of themſelves and of all the Commons of *England*, impeach'd *Thomas* Earl *Strafford* of High Treaſon, for endeavouring to ſubvert the ancient and fundamental Laws and Government of his Majeſty's Realms of *England* and *Ireland*, and to introduce an arbitrary and tyrannical Government againſt Law in the ſaid Kingdoms, and for exerciſing a tyrannous and exorbitant Power over and againſt the Laws of the ſaid Kingdoms, and the Liberties, Eſtates, and Lives of his Majeſty's Subjects; and likewiſe having by his own Authority commanded the laying and aſſeſſing of Soldiers upon his Majeſty's Subjects in *Ireland* againſt their Conſents, to compel them to obey his unlawful Summons and Orders made upon Paper

Paper Petitions in Cauſes between Party and Party, which accordingly were executed upon divers of his Majeſty's Subjects in a warlike Manner within the ſaid Realm of *Ireland*; and in ſo doing did levy War againſt the King's Majeſty and his liege People in that Kingdom; and for that he upon the unhappy Diſſolution of the laſt Parliament did ſlander the Houſe of Commons to his Majeſty, and did counſel and adviſe his Majeſty that he was looſe and abſolv'd from the Rules of Government, and that he had an Army in *Ireland* by which he might reduce this Kingdom; for which he deſerves to undergo the Pains and Forfeitures of High Treaſon.

And the ſaid Earl hath been an Incendiary of the Wars between the two Kingdoms of *England* and *Scotland*; all which Offences have been ſufficiently prov'd againſt the ſaid Earl upon his Impeachment: Be it therefore enacted by the King's moſt excellent Majeſty, and by the Lords and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Earl of *Strafford*, for the heinous Crimes and Offences aforeſaid, ſtand and be adjudg'd and attainted of High Treaſon, and ſhall ſuffer ſuch Pain of Death, and incur the Forfeitures of his Goods and Chattels, Lands, Tenements and Hereditaments of any Eſtate of Freehold, or Inheritance, in the ſaid Kingdoms of *England* and *Ireland*, which the ſaid Earl or any other to his Uſe or in truſt for him have or had the Day of the firſt ſitting of this Parliament, or at any time ſince. Provided that no Judge or Judges, Juſtice or Juſtices whatſoever ſhall adjudge or interpret any Act or Thing to be Treaſon, nor hear or determine any Treaſon in any other manner than he or they ſhould or ought to have

done before the making this Act, and as if this Act had never been had or made. Saving always unto all and ſingular Perſons, Bodies Politick and Corporate, their Heirs and Succeſſors, other than the ſaid Earl and his Heirs, and ſuch as claim from, by or under him, all ſuch Right, Title and Intereſt, of, in and to all and ſingular ſuch of the ſaid Lands, Tenements and Hereditaments, as he, they, or any of them had before the firſt Day of this preſent Parliament, any thing herein to the contrary notwithſtanding.

Provided that the paſſing of this preſent Act, or his Majeſty's Aſſent thereunto, ſhall not be any Determination of this preſent Seſſion of Parliament; but that this preſent Seſſion of Parliament, and all Bills and Matters whatſoever depending in Parliament, and not fully enacted or determin'd, and all Statutes and Acts of Parliament which have their Continuance until the End of this preſent Seſſion of Parliament, ſhall remain, continue, and be in full Force, as if this Act had never been.

Con-

Confirmation of the Attainders of ſome of the Regicides, and Attainders of others who were dead or fled from Juſtice.

IN all humble Manner ſhew unto your moſt excellent Majeſty your Majeſty's moſt dutiful and loyal Subjects, the Lords and Commons in Parliament aſſembled, that the horrid and execrable Murther of your Majeſty's Royal Father, our late moſt gracious Sovereign *Charles* the Firſt, of ever bleſſed and glorious Memory, hath been committed by a Party of wretched Men, deſperately wicked and harden'd in their Impiety, who having firſt plotted and contrived the Ruin and Deſtruction of this excellent Monarchy, and with it of the true Reformed Proteſtant Religion, which had been ſo long protected by it and flouriſh'd under it, found it neceſſary, in order to the carrying on their pernicious and traiterous Deſigns, to thrown down all the Bullwarks and Fences of Law, and to ſubvert the very Being and Conſtitution of Parliament, that ſo they might at laſt make their Way open for any further Attempts upon the ſacred Perſon of his Majeſty himſelf; and that for the more eaſy effecting thereof, they did firſt ſeduce ſome part of the then Army into a Compliance, and then kept the reſt in Subjection to them, partly for hopes of Preferment, and chiefly for fear of loſing their Imployments and Arrears, until by theſe and other more odious Arts and Devices they had fully ſtrengthned themſelves

12 *Car.* 2. c. 30. 1660.

ſelves both in Power and Faction; which being done, they did declare againſt all manner of Treaties with the Perſon of the King, Even then, while a Treaty by Advice of both Houſes of Parliament was in being; remonſtrate againſt the Houſes of Parliament for ſuch Proceedings, ſeize upon his Royal Perſon, while the Commiſſioners were return'd to the Houſe of Parliament with his Anſwer; and when his Conceſſions had been voted a ground for Peace, ſeize upon the Houſe of Commons, ſeclude and impriſon ſome Members, force out others, and there being left but a ſmall Remnant of their own Creatures, (not a tenth part of the whole) did ſeek to ſhelter themſelves by this weak Pretence under the Name and Authority of a Parliament; and in that Name labour'd to proſecute what was yet behind and unfiniſh'd of their long-intended Treaſon and Conſpiracy. To this purpoſe they prepar'd an Ordinance for erecting a prodigious and unheard-of Tribunal, which they call'd An High Court of Juſtice, for Tryal of his Majeſty: And having eaſily procur'd it to paſs in their Houſe of Commons, as it then ſtood moulded, ventur'd to ſend it from thence to the Peers then ſitting, who totally rejected it; whereupon their Rage and Fury increaſing, they preſumed to paſs it alone as An Act of the Commons, and in the Name of the Commons of *England*; and having gain'd the pretence of a Law made by a Power of their own making, purſue it with all poſſible Force and Cruelty, until at laſt upon the 30th Day of *January* 1648, his Sacred Majeſty was brought unto a Scaffold, and there publickly murther'd before the Gates of his own Royal Palace: And becauſe by this horrid Action

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the Proteſtant Religion hath receiv'd the greateſt Wound and Reproach, and the People of *England* the moſt unſupportable Shame and Infamy that was poſſible for the Enemies of God and the King to bring upon us, whilſt the Fanatick Rage of a few Miſcreants (who were as far from being true Proteſtants, as they were from being true Subjects) ſtands imputed by our Adverſaries to the whole Nation. We therefore your Majeſty's ſaid Dutiful and Loyal Subjects, the Lords and Commons in Parliament aſſembled, do hereby renounce, abominate, and proteſt againſt that impious Fact, the execrable Murther, and moſt unparalell'd Treaſon, committed againſt the ſacred Perſon and Life of our ſaid late Sovereign, your Majeſty's moſt Royal Father, and all Proceedings tending thereunto; and do beſeech your moſt Excellent Majeſty, that it may be declared, that by the undoubted and fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together in Parliament, nor the People Collectively or Repreſentatively, nor any other Perſons whatſoever, had, have, hath, or ought to have any Coercive Power over the Perſons of the Kings of this Realm. And for the better Vindication of our ſelves to Poſterity, and as a laſting Monument of our otherwiſe inexpreſſible deteſtation and abhorring of this villanous and abominable Fact, we do further beſeech your moſt Excellent Majeſty that it may be enacted, that every 30th of *January* may be for ever hereafter ſet apart and obſerv'd, as an anniverſary Faſt, that the Guilt of that ſacred and innocent Blood may not be viſited on us or our Poſterity, *&c.*

And

And whereas *Oliver Cromwell*, *Henry Ireton*, *John Bradſhaw*, and *Thomas Pride*, *John Liſle*, *William Say*, &c. deceaſed, are notoriouſly known to have been wicked and active Inſtruments, in the Proſecution and compaſſing that traiterous Murther of his late Majeſty, for which Sir *Hardreſs Waller*, *Thomas Harriſon*, *William Heveningham*, *Iſaac Penington*, and *Henry Martin*, *Gilbert Millington*, *Robert Tichbourn*, *Owen Row*, *Robert Lilbourn*, *Adrian Scroop*, *John Carew*, *John Jones*, *Henry Smith*, *Gregory Clement*, *Edmund Harvy*, *Thomas Scot*, *John Downs*, *Vincent Potter*, *Auguſtine Garland*, *George Fleetwood*, *Simon Meyne*, *James Temple*, *Peter Temple*, *Thomas Wayte*, *John Cook*, *William Hewlet*, *Hugh Peters*, *Francis Hacker*, and *Daniel Axtel*, have already receiv'd their Tryal at Law, and by Verdict or their own Confeſſion have been convicted, and by Judgment of Law thereupon had, do now ſtand duly and legally attainted, of whom ten Perſons, that is to ſay, *Thomas Harriſon*, *Adrian Scroop*, *John Carew*, *John Jones*, *Thomas Scot*, *Gregory Clement*, *John Cook*, *Hugh Peters*, *Francis Hacker*, and *Daniel Axtel*, have moſt deſervedly ſuffer'd the Pains of Death, and been executed according to Law; And the ſaid *John Liſle*, *William Say*, *Valentine Wauton*, *Edward Whalley*, *John Barkſtead*, *Edmund Ludlow*, Sir *Michael Liveſey*, *John Okey*, *John Hewſon*, *William Goffe*, *Cornelius Holland*, *Thomas Chaddoner*, *Miles Corbet*, *William Cawley*, *Nicholas Love*, *John Dixwell*, *Daniel Blagrave*, *Andrew Broughton*, and *Edward Dendy* are fled from Juſtice, not daring to abide a legal Tryal: Be it enacted therefore, that the ſaid *Oliver Cromwel*, *Henry Ireton*, *John Bradſhaw*, and *Thomas Pride*, de-

deceas'd, ſhall by vertue of this Act be adjudg'd to be convicted and attainted of High Treaſon, to all Intents and Purpoſes, as if they and every of them reſpectively had been attainted in their Lives. And alſo that *John Liſle*, *William Say*, &c. who are fled from Juſtice, ſtand and be adjudg'd convicted and attainted of High Treaſon; and that all and every the Manors, Lands, Tenements or Hereditaments, Leaſes for Years, Chattels real, and other Things of that Nature, of them the ſaid *Oliver Cromwell*, and the reſt of the ſaid Regicides, which they, or any Perſon or Perſons to their or any of their Uſes, or in truſt for them, or any of them, had the 25th of *March* 1646, or at any time ſince, ſhall ſtand and be forfeited unto your Majeſty, your Heirs and Succeſſors, and ſhall be deem'd, veſted, and adjudg'd to be in the actual and real Poſſeſſion of your Majeſty, without any Office or Inquiſition thereof hereafter to be taken or found. And alſo that all and every the Goods, Debts, and other the Chattels perſonal whatſoever, of them the ſaid *Oliver Cromwel*, *Henry Ireton*, *John Bradſhaw*, and *Thomas Pride*, at the time of their reſpective Deaths, or any other in truſt for them, ſtood poſſeſs'd of, and all the Goods, Debts, and other the Chattels perſonal of them the ſaid *John Liſle*, *William Say*, and the reſt of the Regicides aforeſaid, whereof upon the 11th day of *February* 1659, they or any of them, or any other in truſt for them, or any of them, ſtood poſſeſs'd either in Law or Equity, ſhall be deem'd and adjudg'd to be forfeited unto, and are hereby veſted, and put into the actual Poſſeſſion of your Majeſty, without any further Office or Inquiſition thereof hereafter to be taken or found.

Pains and Penalties inflicted by Parliament, on ſeveral of the Regicides.

13 *Car.* 2. *cap.* 15. 1661. WHEREAS in a certain Act paſs'd in the late Aſſembly held at *Weſtminſter*, in the 12th Year of his Majeſty's Reign, and confirm'd by Authority of this preſent Parliament, entitled, An Act of free and general Pardon, Indempnity, and Oblivion, (amongſt other things it is provided that nothing therein contain'd ſhould extend to diſcharge the Lands, Tenements, Goods, Chattels, Rights, Truſts, and other the Hereditaments, late of *Iſaac Ewer*, deceas'd, Sir *John Danvers*, &c. deceas'd, of and from ſuch Pains, Penalties, and Forfeitures, as by one other Act of Parliament intended to be afterwards paſs'd for that purpoſe ſhould be expreſs'd and declar'd; all which Perſons before mention'd were (whilſt they liv'd) notoriouſly known to have been wicked and active Inſtruments in the Proſecution and compaſſing of that horrid and execrable Treaſon, the Murther of our late Sovereign Lord King *Charles* I. of ever bleſſed Memory. And whereas *William* Lord *Mounſon*, *James Challoner*, Sir *Henry Mildmay*, Sir *James Harrington*, *John Phelps*, and *Robert Wallop*, who in the Month of *January* 164[8] did act and ſit in that traiterous Aſſembly, which proceeded againſt the Perſon and Life of our ſaid late Sovereign Lord King *Charles* I; and Sir *Arthur Haſlerig*, who in his Life did commit many horrid and traiterous Crimes againſt the Perſon, Crown and Dignity of his late Majeſty of Glorious Memory, and his Majeſty that now

now is; are all of them excepted out of the ſaid Act, and reſerv'd to future Pains, Penalties, and Forfeitures, not extending to Life: ſince the paſſing of which Act, ſo as aforeſaid confirm'd, Sir *Arthur Haſlerig*, and *James Challoner*, died; and no Act hath yet paſs'd for the inflicting of due Pains, Penalties, and Forfeitures upon the Perſons and Eſtates of the Offenders aforeſaid. It is therefore Enacted, That all and every the Manors, Lands, *&c.* of the ſaid *Iſaac Ewer*, Sir *John Danvers*, *&c.* deceas'd, or of the ſaid *William* Lord *Mounſon*, *James Challoner*, &c. or any of them, or any Perſon to their Uſe, or in Truſt for any of them, had the 25th of *March* 1646, or at any time ſince, ſhall be forfeited to his Majeſty without any Office or Inquiſition thereof found; and all the Goods, Debts, and other the perſonal Eſtate of the ſaid *Iſaac Ewer*, Sir *John Danvers*, &c. whereof any of them at their reſpective Deaths were poſſeſs'd of or intereſted in, and all the Goods, Debts, and other the Chattels perſonal whatſoever of them the ſaid *William* Lord *Mounſon*, Sir *Henry Mildmay*, Sir *James Harrington*, *John Phelps*, and *Robert Wallop*, whereof upon the 11th Day of *February* 1659, they or any of them, or any other in Truſt for them, or any of them, ſtood poſſeſs'd, either in Law or Equity, ſhall be deem'd and adjudg'd to be forfeited to his Majeſty without any further Office or Inquiſition found.

And the ſaid *William* Lord *Mounſon*, Sir *Henry Mildmay*, Sir *James Harrington*, *Robert Wallop*, Eſq; and *John Phelps*, and every of them, ſhall be and are hereby degraded from and made uncapable of all and every the Titles of

Honour, Dignities, and Preheminences, which they or any of them now have, or which at any time hereafter may deſcend unto them: And that neither they nor any of them ſhall at any time hereafter have, bear, or uſe, the Fame, Stile, Addition, or Title of Lord, Baronet, Knight, Eſquire, or Gentleman, or any of them, nor ſhall uſe or have any Coats or Eſcutchions of Arms whatſoever, nor any other legal Title or Addition whatſoever; but ſhall be for ever reputed, and are hereby declared to be Perſons of Diſhonour and Infamy.

And further, that they the ſaid *William Mounſon*, *Henry Mildmay*, &c. and every of them, ſhall upon the 27th Day of *January* 1661, or ſo ſoon after as they ſhall be apprehended, be carried to the *Tower* of *London*, and from thence drawn upon Sledges with Ropes about their Necks, and according to the manner of Perſons executed for High Treaſon, quite through the Streets of *London* unto the Gallows at *Tyburn*; and from thence in like manner be brought back again to the *Tower* of *London*, and there, or in ſuch other Priſon as his Majeſty ſhall think fit, continue Priſoners, and ſuffer pains of Impriſonment, for and during the Term of their natural Lives.

Re-

Reverſal of the Earl of Strafford's *Attainder.*

WHereas *Thomas* late Earl of *Strafford* was impeach'd of High Treaſon, upon pretence of endeavouring to ſubvert the fundamental Laws, and call'd to a publick and ſolemn Arraignment and Tryal before the Peers in Parliament, where he made a particular Defence to every Article objected againſt him; inſomuch that the turbulent Party then ſeeing no hopes to effect their unjuſt Deſigns by any ordinary Way and Method of Proceedings, did at laſt reſolve to attempt the Deſtruction and Attainder of the ſaid Earl by an Act of Parliament, to be therefore purpoſely made, to condemn him upon accumulative Treaſon, none of the pretended Crimes being Treaſon apart, and ſo could not be in the whole, if they had been prov'd, as they were not; and alſo judg'd him Guilty of conſtructive Treaſon (that is) of levying War againſt the King, tho' it was only the commanding an Order of the Council-Board in *Ireland* to be executed by a Serjeant at Arms and three or four Soldiers, which was the conſtant Practice of the Deputies there for a long time; to which end they having firſt preſented a Bill for this Intent to the Houſe of Commons, and finding there more Oppoſition than they expected, they caus'd a Multitude of tumultuous Perſons to come down to *Weſtminſter*, arm'd with Swords and Staves, and to fill both the *Palace-Yards* and all the

14 *Car.* 2. *c.* 29. 1662.

the Approaches to both Houſes of Parliament with Fury and Clamour, and to require *Juſtice, ſpeedy Juſtice* againſt the Earl of *Strafford*; and having by theſe and other undue Practices obtain'd that Bill to paſs in the Houſe of Commons, they caus'd the Names of thoſe reſolute Gentlemen, who in a Caſe of innocent Blood had freely diſcharg'd their Conſciences, being nine and fifty, to be poſted up in ſeveral Places about the Cities of *London* and *Weſtminſter*, and ſtil'd them *Straffordians* and Enemies to their Country, hoping thereby to deliver them up to the Fury of the People, whom they had endeavour'd to incenſe againſt them; and then procur'd the ſaid Bill to be ſent up to the Houſe of Peers, where it having ſometime reſted under great Deliberation, at laſt, in a time when great Part of the Peers were abſent by reaſon of the Tumults, and many of thoſe who were preſent proteſted againſt it, the ſaid Bill paſs'd in the Houſe of Peers; and at length his late Majeſty King *Charles* I. of glorious Memory granted a Commiſſion for giving his Royal Aſſent thereunto; which nevertheleſs was done by his ſaid Majeſty with exceeding great Sorrow then, and ever remember'd by him with unexpreſſible Grief of Heart; and out of his Majeſty's great Piety, he did publickly expreſs it, when his own ſacred Life was taken away by the moſt deteſtable Traitors that ever were. For all which Cauſes it is enacted, that the Act entitled *An Act for the Attainder of* Thomas *Earl of* Strafford *of High Treaſon* be repeal'd and revers'd, and that all Records and Proceedings in Parliament relating to the ſaid Attainder be wholly cancell'd and taken off the File, that the ſame may not be brought

brought into Example to the Prejudice of any Perſon whatſoever.

Attainder of Thomas Dolman *and others, for adhering to the King's Enemies in the* Dutch *War.*

IN all humble Manner ſhew unto your moſt excellent Majeſty your Majeſty's moſt dutiful and loyal Subjects the Lords Spiritual and Temporal and Commons aſſembled in Parliament, that whereas it is notoriouſly known that *Thomas Dolman*, *Joſeph Bampfield* alias *Stepner*, and *Thomas Scot*, Son of *Thomas Scot* lately executed as a moſt execrable Traitor, and one of the horrid and bloody Murderers of his late Majeſty King *Charles* I. of ever bleſſed Memory, contrary to the Duty of their Allegiance, have moſt traiterouſly and wickedly adher'd, and ſtill do adhere to your Majeſty's Enemies beyond the Seas, where they as yet remain, and commit divers treaſonable Acts, without any Senſe of Loyalty to your Majeſty, or of natural Affection to their Native Country: Be it enacted, that if the ſaid *Thomas Dolman*, &c. do not return into the Realm of *England*, and render themſelves to ſome or one of his Majeſty's Juſtices of the Peace for the County wherein he or they ſhall firſt arrive, at or before the firſt Day of *February* next enſuing, and alſo abide their legal Tryal for ſuch their Treaſons, that then they ſhall ſtand convicted and attainted of High Treaſon, and ſuffer and forfeit as in Caſes of High Treaſon. 17 *Car.* 2. *cap.* 5. 1665.

At-

Attainder of James *Duke of* Monmouth.

1 *Jac.* 2. 1685. WHereas *James* Duke of *Monmouth* has in an hoſtile Manner invaded this Kingdom, and is now in open Rebellion levying War againſt the King, contrary to the Duty of his Allegiance, Be it enacted that the ſaid *James* Duke of *Monmouth* ſtand and be convicted and attainted of High Treaſon, and that he ſuffer Pains of Death, and incur all Forfeitures as a Traytor convicted and attainted of High Treaſon.

Attainder of Sir John Fenwick, *Bart.*

8 *W.* 3. *c.* 4. 1696. WHereas Sir *John Fenwick*, Bart. was upon the Oath of *George Porter*, Eſq; and *Cardell Goodman*, Gent. at the Seſſions of *Oyer* and *Terminer*, held for the City of *London*, on the 28th Day of *May* 1696, indicted of High-Treaſon, in compaſſing and imagining the Death and Deſtruction of his Majeſty, and adhering to his Majeſty's Enemies, by conſulting and agreeing with ſeveral Perſons (whereof ſome have been already attainted, and others not yet brought to their Tryal for the ſaid Treaſons) at ſeveral Meetings, to ſend *Robert Charnock*, ſince attainted and executed for High-Treaſon, in conſpiring to Aſſaſſinate his Majeſty's ſacred Perſon (whom God

God long preſerve) to the late King *James* in *France*, to incite and incourage the *French* King to invade this Kingdom with an armed Force, by promiſing to join with, and aſſiſt him with Men and Arms upon ſuch Invaſion, of which Treaſons the ſaid Sir *John Fenwick* is guilty. And whereas the ſaid Sir *John Fenwick* did obtain his Majeſty's Favour to have his Tryal delayed from time to time, upon his repeated Promiſes of making an ingenious and full Confeſſion of his Knowledge of any Deſign or Conſpiracy againſt his Majeſty's Perſon or Government, and of the Perſons therein concerned; And whereas he has ſo far abuſed his Majeſty's great Clemency and Indulgence therein, that inſtead of making ſuch Confeſſion, he hath contrived and framed falſe and ſcandalous Papers as his Informations, reflecting on the Fidelity of ſeveral noble Peers, divers Members of the Houſe of Commons, and others, only by Hearſay and Contriving, thereby to undermine the Government, and create Jealouſies between the King and his Subjects, and to ſtifle the real Conſpiracy: And whereas *Cardell Goodman*, one of the Witneſſes againſt the ſaid Sir *John Fenwick* to prove the ſaid Treaſon, lately and ſince the ſeveral times appointed for the Tryal of the ſaid Sir *John Fenwick*, at one of which Times the ſaid Sir *John Fenwick* had been accordingly tryed, had it not been for the Expectation of the ſaid Diſcoveries ſo often promiſed by him, is withdrawn, ſo that the ſaid *Cardell Goodman* cannot be had to give Evidence upon any Tryal; Be it enacted that the ſaid Sir *John Fenwick* be convicted and attainted of High Treaſon, and ſuffer the Pains of Death, and incur all Forfeitures as a Perſon attainted of High Treaſon.

Attainder of Sir George Barclay *and others, and Impriſonment of* Counter, John Bernardi, *and others.*

8 *W.* 3. *c.* 5. 1696.

WHereas in the Months of *January* and *February* laſt there was a horrid and deteſtable Conſpiracy formed and carried on by Papiſts, and other wicked and traiterous Perſons, to aſſaſſinate and deſtroy the Royal Perſon of our moſt gracious Sovereign King *William*, (whom God long preſerve) which Conſpiracy, had not God Almighty in his great Mercy prevented the Execution thereof, had deprived theſe Kingdoms of the Enjoyment of their Liberties and Religion, involved them in Blood and Ruin, and ſubjected the People thereof to the Bondage and Oppreſſion of Popery and Tyranny; for which execrable and bloody Treaſon ſeveral of the Conſpirators have been apprehended, juſtly condemned, and executed, and have upon their Deaths fully owned the Truth of the Accuſations againſt them, and their being engaged in the ſaid wicked Conſpiracy; and ſeveral others herein after named, being charged upon Oath before one or more of his Majeſty's Juſtices of the Peace, of having been privy to, and engaged as principal Contrivers of, and Actors in the ſaid intended Aſſaſſination, notwithſtanding ſeveral Proclamations iſſued againſt them, have not rendred themſelves, nor have been yet apprehended, but are fled from Juſtice: Therefore to manifeſt the juſt Indignation we your Ma-

Majeſty's moſt Loyal Subjects, the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, have againſt ſo barbarous and villanous a Deſign, and the great Tenderneſs and Regard we bear for the Preſervation of your Majeſty's Royal Perſon and Government, to whom next under God, we owe the Recovery of our Religion and Liberties, when they were ſo near expiring under the prevailing Influence of Popery and Arbitrary Power, and the Continuance and Enjoyment thereof at preſent, and that none of the ſaid Conſpirators by flying from the ordinary Courſe of Juſtice may eſcape Puniſhment, which would be too great an Incouragement to other wicked and rebellious Perſons to enter into the like Conſpiracies hereafter; be it enacted, that if Sir *George Barclay*, Knight, *Johnſon* alias *Harriſon*, *Durant* alias *Durance*, *Michael Hare*, Major *George Holmes*, *Philip Hanford* alias *Brown*, *Richard Richardſon*, *John Maxwell*, *Bryerly*, *Plowden*, *Hungate*, ſhall not, before the 25th of *March* 1697, render themſelves to Juſtice, *&c.* they ſhall ſtand convicted and attainted of High Treaſon, and ſuffer and forfeit accordingly.

And whereas *Counter*, *John Bernardi*, *Robert Caſſels*, *Robert Meldrum*, *James Chambers*, and *Robert Blackbourn*, have been committed, and are ſtill in Cuſtody in *Newgate* for the ſaid Conſpiracy and Treaſon; It is enacted, that the ſaid *Counter*, *&c.* and ſuch other Perſons who ſhall hereafter render themſelves, or ſhall be apprehended, and againſt whom there ſhall be Evidence upon Oath of their being concerned in the ſaid barbarous and bloody Conſpiracy of aſſaſſinating the Perſon of his ſacred Majeſty,

ſhall be detained and kept in Cuſtody without Bail or Mainprize, until the 1ſt Day of *January* 1697.

N. B. The ſaid *Counter*, *John Bernardi*, *&c.* have been continued in Priſon by ſeveral Acts of Parliament to this preſent Year.

Attainder of the pretended Prince of Wales.

13 & 14 *Wm.* 3. 1701.

WHEREAS the pretended Prince of *Wales* hath, ſince the Deceaſe of the late King *James*, by the Incitation and Encouragement of the *French* King (being bred up and inſtructed to introduce the *Romiſh* Superſtition and *French* Government into theſe your Majeſty's Kingdoms) openly and traiterouſly, with Deſign to dethrone your Majeſty, aſſum'd the Name and Title of *James* III, King of *England*, *Scotland*, and *Ireland*, and caus'd himſelf to be ſo proclaimed in the Kingdom of *France*, in manifeſt Violation of your Majeſty's moſt lawful and rightful Title to the Crown of theſe Realms, and of the ſeveral Acts of Parliament made as well for recognizing of the ſame, as for ſettling the Succeſſion of the Crown, contrary to the Duty of his Allegiance, and to the diſturbing of the Peace of theſe your Majeſty's Kingdoms: To the End therefore that your Majeſty's good and loyal People of *England* aſſembled in Parliament, may in the moſt ſolemn Manner expreſs their utmoſt Reſentment of ſo great an Indignity done to your Majeſty's moſt ſacred Perſon and Government; and that the

ſaid

ſaid Traitor may be brought the more certainly and ſpeedily to condign Puniſhment; Be it Enacted, That the ſaid pretended Prince of *Wales* ſtand convicted and attainted of High Treaſon, and that he ſuffer Pains of Death, *&c.*

Attainder of the Duke of Ormond.

WHEREAS *James*, Duke of *Ormond*, hath been impeach'd by the Commons in Parliament aſſembled, in the Name of themſelves and all the Commons of *Great Britain*, of High Treaſon, and other High Crimes and Miſdemeanours; To which ſaid Impeachment, now remaining upon Record in the Houſe of Peers, the ſaid *James* Duke of *Ormond* hath not anſwer'd, but hath fled from Juſtice, without abiding his Legal Tryal: It is enacted, that if the ſaid Duke do not render himſelf, *&c.* before the 10th of *September* next, he ſhall be adjudg'd attainted of High Treaſon, and ſuffer and forfeit accordingly. 1 *Geo.* c. 17. 1715.

The like Act of Attainder paſs'd againſt *Henry* Viſcount *Bolingbrook*.

At-

Attainder of John *Earl of* Mar, *&c.*

1 *Geo.* c. 31. 1715. WHereas *John* Earl of *Mar*, *William Murray*, Eſq; commonly called Marquis of *Tullibardine*, eldeſt Son and Heir apparent of *John* Duke of *Athol*, *James* Earl of *Linlithgow*, and *James Drummond*, Eſq; commonly called Lord *Drummond*, eldeſt Son and Heir apparent of the Earl of *Perth*, have in a traiterous and hoſtile Manner taken up Arms againſt His preſent moſt gracious Majeſty, and continue in open Rebellion, levying War contrary to the Duty of their Allegiance; It is enacted that from and after the 19th of *January* 1715, *John* Earl of *Mar*, *&c.* and every of them, ſhall ſtand convicted and attainted of High Treaſon, and ſuffer Pains of Death, *&c.*

Attainder of George *Earl of* Mariſchal, William *Earl of* Seaforth, James *Earl of* Southeſque, James *Earl of* Panmuir, *and others.*

WHereas *George* Earl of *Mariſchal*, &c. on or before the 13th Day of *November* 1715, did in a traiterous and hoſtile Manner take up Arms, and levy War againſt his preſent moſt Gracious Majeſty within this Realm, contrary to the Dury of their Allegiance, and are fled to avoid their being apprehended and proſecuted according to Law for their ſaid Offences: Be it enacted, that if the ſaid *George* Earl of *Mariſchal*, &c. ſhall not render themſelves before the laſt Day of *June* 1716, that then they ſhall, from and after the ſaid 13th of *November* 1715, ſtand attainted of High Treaſon, and ſuffer and forfeit accordingly. 1 *Geo. c.* 42. 1715.

Attainder of Thomas Forſter, Junior, *Eſq*; *and* William Mackintoſh, *Eſq*;

WHEREAS *Thomas Forſter*, the younger, Eſq; and *William Mackintoſh*, Eſq; (commonly call'd Brigadier *Mackintoſh*) on or before the 12th Day of *November* 1715, did in a traiterous and hoſtile Manner take up Arms and levy War within this Realm againſt his preſent moſt gracious Majeſty, contrary to the Duty of their Allegiance; and whereas the ſaid *Thomas Forſter*, and *William Mackintoſh*, were committed to 1 *Geo. c.* 53. 1715.

to the Goal of *Newgate*, for the ſaid High Treaſon, in Order to be proſecuted according to Law; and thereupon have been indicted for the ſaid Offence, in levying War againſt his moſt ſacred Majeſty, on the 12th Day of *November* 1715; but before the ſaid *Thomas Forſter* and *William Mackintoſh* could receive their or either of their Tryals on ſuch Indictment, they the ſaid *Thomas Forſter* and *William Mackintoſh*, and each of them, found Means to eſcape out of the ſaid Goal, and are now fled from Juſtice, not daring to abide a legal Tryal: Be it therefore Enacted, That from and after the ſaid 12th of *November* 1715, they ſhall be adjudged, and ſtand attainted of High Treaſon, and ſuffer and forfeit accordingly.

FINIS.